

FILED
7/23/21 12:55 pm
CLERK
U.S. BANKRUPTCY
COURT - WDPA

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

IN RE:

Joseph Barnhart : Case No. 18-10101 -TPA
Alice Barnhart : Chapter 13
Debtor :

PLAN CONFIRMATION ORDER

A It is hereby **ORDERED** that with the consent of the Debtor(s), the Chapter 13 Plan dated **June 8, 2021**, except as modified herein as checked below, is **CONFIRMED** in accord with *11 USC 1325*. On the effective date of this Order, the Chapter 13 Trustee shall pay administrative, secured and priority creditors identified in the Plan. General unsecured creditors will not receive distributions at least until the government bar date has passed and the Chapter 13 Trustee has submitted a *Notice of Intention to Pay Claims* to the Court. Confirmation of this Plan pursuant to this Order is without prejudice to reconsideration following a status conference held by the Chapter 13 Trustee to gauge the progress of Plan implementation which **Status Conference** is scheduled for *N/A*, (which may, upon agreement of the Parties, be continued from time to time *provided however* that following the 3rd continuance, the matter shall be set for hearing before the Court), following which time the Plan may be modified to the satisfaction of all Parties after notice and hearing before the Court, or the status conference may be marked closed by the Chapter 13 Trustee.

1. **Westlake Financial Services** is to be paid per **Order dated May 21, 2021 at Doc 99**
2. A fee application is needed, if any fee exceeds **\$4,000**, including any fees paid to prior counsel.

B IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:

1. **Objections to the Plan:** This Order is effective as of the date indicated below. Pursuant to *Fed.R.Bankr.P. 2002(b)*, any party in interest with an objection to any provision of this Confirmation Order must file a written objection within the twenty-eight (28) day period following entry of this Order. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may only disburse funds pursuant to this confirmation order upon expiration of the foregoing twenty-eight (28) day period.

2. **Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

3. **Review of Claims Docket and Objections to Claims.** Pursuant to *LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review all proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

4. **Motions or Complaints Pursuant to §§506, 507, or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

5. **Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the Plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s)

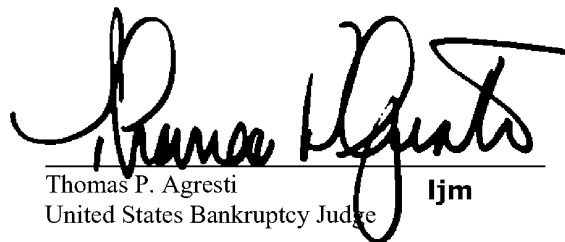
as filed causes the Plan to be underfunded.

C IT IS FURTHER ORDERED THAT:

1. Plan terms are subject to the resolution of: timely but yet to be filed claims including government claims; all actions to determine the avoidability, priority or extent of liens, including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
2. Following payment of allowed secured and priority claims the allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
3. After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.
4. Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).
5. Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' Counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.
6. Debtor(s) shall file an Amended Schedule I in the event of:
 - (a) Household income increases, because of new employment, promotion, or otherwise, since any increase in disposable income shall qualify for modification under §1329 retroactive to the date of the increase.
 - (b) A reduction in payroll withholding (including any Domestic Support Obligation and retirement loan(s) repayments), or any increase of 10% in household income. Any indicated increase in disposable income (and the fund created for the benefit of general Unsecured Creditors) is retroactive to the date of the payoff of the obligation or increase in household income.
 - (c) Household income increases by 1% or more over most the recently filed Schedule I. Any indicated increase in disposable income (and the fund created for the benefit of general Unsecured Creditors) is retroactive to the date of the increase in household income.
7. Debtor(s) shall provide Trustee annual tax returns and statements of income and expenses, in accordance with Section 521(f) and (g), and shall file an amended plan reflecting any increase in disposable income retroactive to date of increase.
8. Debtor's counsel must file a fee application in accordance with *W.P.A.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.
9. The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising preconfirmation defaults in any subsequent motion to dismiss.
10. In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any secured claim that is secured by the subject property, unless directed otherwise by further Order of Court.

11. Any prior Confirmation Order entered in this matter is *VACATED*.

Dated: July 23, 2021
(Effective Date)



Thomas P. Agresti
United States Bankruptcy Judge **ljm**

cc: All Parties in interest to be served by Clerk in seven (7) days

In re:
Joseph D. Barnhart
Alice L Barnhart
Debtors

Case No. 18-10101-TPA
Chapter 13

CERTIFICATE OF NOTICE

District/off: 0315-1

User: bsil

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Date Rcvd: Jul 23, 2021

Form ID: pdf900

Total Noticed: 46

The following symbols are used throughout this certificate:

Symbol	Definition
+	Addresses marked '+' were corrected by inserting the ZIP, adding the last four digits to complete the zip +4, or replacing an incorrect ZIP. USPS regulations require that automation-compatible mail display the correct ZIP.
++	Addresses marked '++' were redirected to the recipient's preferred mailing address pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.P.2002(g)(4).
##	Addresses marked '##' were identified by the USPS National Change of Address system as undeliverable. Notices will no longer be delivered by the USPS to these addresses; therefore, they have been bypassed. The debtor's attorney or pro se debtor was advised that the specified notice was undeliverable.

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Jul 25, 2021:

Recip ID	Recipient Name and Address
db/jdb	+ Joseph D. Barnhart, Alice L Barnhart, 14978 South Norrisville Road, Meadville, PA 16335-7630
cr	+ Americo FCU, 4101 Main Street, Erie, PA 16511-1967
cr	Frances Stonedale, 11004 Liberty St. Ext., Meadville, PA 16335
cr	+ Northwest Bank, 100 Liberty Street, P.O. Box 337, Warren, PA 16365-0337
14770510	+ Americo Federal Credit Union, 4101 Main Street, Erie, PA 16511-1967
14883187	Department of Education, PO Box 16448, St Paul MN 55116-0448
14770517	+ Diversified Adjustment Services, Inc, P.O. Box 32145, Fridley, MN 55432-0145
14770523	+ First Premier Bank, 601 South Minnesota Avenue, Sioux Falls, SD 57104-4868
14770524	Frances Stonedale, 11004 Liberty Street Extension, Meadville, PA 16335
14770526	+ MRS BPO LLC, 1930 Olney Avenue, Cherry Hill, NJ 08003-2016
14770525	+ Meadville Area Ambulance, 872 Water Street, Meadville, PA 16335-3455
14770528	++ NATIONWIDE INSURANCE, SERVICE OF PROCESS TEAM, THREE NATIONWIDE PLAZA, MAIL CODE 3-11-310, COLUMBUS OH 43215-2410 address filed with court:, Nationwide Insurance, 1 West Nationwide Boulevard, Columbus, OH 43215
14770529	++ NORTHWEST SAVINGS BANK, P O BOX 337, WARREN PA 16365-0337 address filed with court:, Northwest Savings Bank, 100 Liberty Street, Warren, PA 16365
14814391	PENNYMAC LOAN SERVICES, LLC, P.O. Box 30597, Los Angeles CA 90030-0597
14814196	+ Penelec, FirstEnergy, 101 Crawford's Corner Rd., Bldg. #1 Ste. 1-511, Holmdel, NJ 07733-1976
15344592	+ PennyMac Loan Services, LLC, c/o McCabe, Weisberg & Conway, LLC, Suite 1400, 123 South Broad Street, Philadelphia, PA 19109-1060
14770531	Pennymac Loan Services, Attn: Bankruptcy, Po Box 514357, Los Angeles, CA 90051
14770532	+ Phelan Hallinan Diamond & Jones LLP, 1617 JFK Boulevard, Suite 1400, Philadelphia, PA 19103-1814
14770533	+ Plaza Home Mortgage, 1 Corporate Drive, Suite 360, Lake Zurich, IL 60047-8945
14770535	+ Source Recovery, Po Box 450, Springfield, PA 19064-0450
14781440	+ Suburban Propane, PO Box 206, Whippany, NJ 07981-0206
14770536	+ Suburban Propane, 11341 Mercer Pike, Meadville, PA 16335-6261
14770537	+ Sunrise Credit Service, 260 Airport Plaza, Farmingdale, NY 11735-4021
14770539	+ Windstream Communications, Attn: Alice Peace, 2 North Main Street, Greenville, SC 29601-4874

TOTAL: 24

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

Electronic transmission includes sending notices via email (Email/text and Email/PDF), and electronic data interchange (EDI). Electronic transmission is in Eastern Standard Time.

Recip ID	Notice Type: Email Address	Date/Time	Recipient Name and Address
cr	+ Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Jul 23 2021 23:05:00	PRA Receivables Management LLC, POB 41067, Norfolk, VA 23541-1067
14770511	+ Email/Text: g20956@att.com	Jul 23 2021 23:00:00	AT&T Mobility, PO Box 6416, Carol Stream, IL 60197-6416
14804748	+ Email/Text: g20956@att.com	Jul 23 2021 23:00:00	AT&T Mobility II LLC, %AT&T SERVICES INC., KAREN A. CAVAGNARO PARALEGAL, ONE AT&T WAY, SUITE 3A104, BEDMINSTER, NJ. 07921-2693
14770509	+ Email/Text: ally@ebn.phinsolutions.com		

District/off: 0315-1

User: bsil

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		Jul 23 2021 23:00:56	Ally Financial, Attn: Bankruptcy, Po Box 380901, Bloomington, MN 55438-0901
14786151	Email/Text: ally@ebn.phinsolutions.com	Jul 23 2021 23:00:56	Ally Financial, PO Box 130424, Roseville MN 55113-0004
14770512	+ Email/PDF: AIS.cocard.ebn@americaninfosource.com	Jul 23 2021 23:04:52	Capital One, Attn: Bankruptcy, Po Box 30285, Salt Lake City, UT 84130-0285
14770513	+ Email/Text: bankruptcy@consumerportfolio.com	Jul 23 2021 23:00:00	Consumer Portfolio Service, Attn: Bankruptcy, Po Box 57071, Irvine, CA 92619-7071
14770514	+ Email/Text: bankruptcy_notifications@ccsusa.com	Jul 23 2021 23:00:00	Credit Collections Services, Attention: Bankruptcy, 725 Canton Street, Norwood, MA 02062-2679
14770516	Email/Text: G06041@att.com	Jul 23 2021 23:00:00	DirecTV LLC, Attn: Bankruptcies, PO Box 6550, Englewood, CO 80155
14808254	Email/Text: G06041@att.com	Jul 23 2021 23:00:00	Directv, LLC, by American InfoSource LP as agent, PO Box 5008, Carol Stream, IL 60197-5008
14770518	+ Email/Text: bankruptcyntices@dcicollect.com	Jul 23 2021 23:00:00	Diversified Consultants, Inc., PO Box 551268, Jacksonville, FL 32255-1268
14770520	+ Email/Text: bknotice@ercbpo.com	Jul 23 2021 23:00:00	ERC / Enhanced Recovery Corporation, Attn: Bankruptcy, 8014 Bayberry Road, Jacksonville, FL 32256-7412
14770521	+ Email/Text: kthomas@eriefcu.org	Jul 23 2021 23:00:00	Erie Federal Credit Union, 1109 East 38th Street, Erie, PA 16504-1845
14770522	Email/Text: bankruptcy@firstenergycorp.com	Jul 23 2021 23:00:00	First Energy, Revenue Assurance, 5001 NASA Boulevard, Fairmont, WV 26554-8248
14803871	+ Email/Text: bankruptcydpt@mcmcg.com	Jul 23 2021 23:00:00	Midland Funding LLC, PO Box 2011, Warren, MI 48090-2011
14770527	+ Email/Text: Bankruptcy@natfuel.com	Jul 23 2021 23:00:00	National Fuel, 1100 State Street, Erie, PA 16501-1912
14809810	Email/PDF: cbp@onemainfinancial.com	Jul 23 2021 23:04:55	ONEMAIN, PO BOX 3251, EVANSVILLE, IN. 47731-3251
14770530	+ Email/PDF: cbp@onemainfinancial.com	Jul 23 2021 23:04:55	OneMain Financial, Attn: Bankruptcy Department, 601 Nw 2nd Street, # 300, Evansville, IN 47708-1013
14965691	Email/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com	Jul 23 2021 23:05:00	Portfolio Recovery Associates, LLC, PO Box 41067, Norfolk VA 23541
14770534	+ Email/Text: Supportservices@receivablesperformance.com	Jul 23 2021 23:00:00	Receivables Performance Management, Attn: Bankruptcy, Po Box 1548, Lynnwood, WA 98046-1548
14806830	Email/PDF: EBN_AIS@AMERICANINFOSOURCE.COM	Jul 23 2021 23:15:14	Verizon, by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838
14770538	+ Email/Text: wfmelectronicbankruptcyntifications@verizonwireless.com	Jul 23 2021 23:00:00	Verizon, Bankruptcy Dept, 500 Technology Drive, Suite 550, Saint Charles, MO 63304-2225

TOTAL: 22

BYPASSED RECIPIENTS

The following addresses were not sent this bankruptcy notice due to an undeliverable address, *duplicate of an address listed above, *P duplicate of a preferred address, or ## out of date forwarding orders with USPS.

Recip ID	Bypass Reason	Name and Address
cr		PENNYMAC LOAN SERVICES, LLC
cr		Wilmington Savings Fund Society
cr		Wilmington Savings Fund Society, FSB, d/b/a Christ
14770515	##+	Credit Management, LP, Attn: Bankruptcy, Po Box 118288, Carrollton, TX 75011-8288
14770519	##+	Eastern Revenue Inc, 998 Old Eagle School Road, Wayne, PA 19087-1805

District/off: 0315-1

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TOTAL: 3 Undeliverable, 0 Duplicate, 2 Out of date forwarding address

NOTICE CERTIFICATION

I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.

Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed .R. Bank. P.2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.

Date: Jul 25, 2021

Signature: /s/Joseph Speetjens

CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on July 23, 2021 at the address(es) listed below:

Name	Email Address
Brian Nicholas	on behalf of Creditor Wilmington Savings Fund Society FSB, d/b/a Christiana Trust, not individually but as trustee for Pretium Mortgage Acquisition Trust bnicholas@kmlawgroup.com
Charles Griffin Wohlrab	on behalf of Creditor Wilmington Savings Fund Society cwohlab@raslg.com
Daniel P. Foster	on behalf of Joint Debtor Alice L Barnhart dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Daniel P. Foster	on behalf of Debtor Joseph D. Barnhart dan@mrdebtbuster.com katie@mrdebtbuster.com;kaitlyn@mrdebtbuster.com;kristen@mrdebtbuster.com;fosterlaw@ecf.inforuptcy.com
Edwin W. Smith	on behalf of Creditor Americo FCU esmith@shapiralaw.com
Jerome B. Blank	on behalf of Creditor PENNYMAC LOAN SERVICES LLC pawb@fedphe.com
Kurt L. Sundberg	on behalf of Creditor Northwest Bank jrizzo@marshspaeder.com tsapper@marshlaw.com;r48049@notify.bestcase.com
Lauren Moyer	on behalf of Creditor PENNYMAC LOAN SERVICES LLC ecfmil@ecf.courtdrive.com
Office of the United States Trustee	ustpreion03.pi.ecf@usdoj.gov
Ronda J. Winnecour	cmecf@chapter13trusteedpa.com
Thomas Song	on behalf of Creditor PENNYMAC LOAN SERVICES LLC pawb@fedphe.com

TOTAL: 11